



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SDMS Document



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FEB 01 2011

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. William Almasi Jr., President
John Almasi Trucking Co.
70 Metuchen Ave.
Woodbridge, NJ 07095-1924

Re: Raritan Bay Slag Superfund Site, Monmouth County, New Jersey -
Request for Information Pursuant to Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. § 9601, et seq.

Dear Mr. Almasi:

This letter seeks the cooperation of the John Almasi Trucking Co. ("Almasi Trucking") in providing information and documents relating to the contamination of the Raritan Bay Slag Superfund Site (the "Site") located in Old Bridge and Sayreville, New Jersey.

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. EPA is conducting a cleanup action addressing the release and threat of release of hazardous substances, pollutants, or contaminants at the Site. This cleanup is being conducted pursuant to our authorities under the federal Superfund law.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority. This authority allows EPA to require persons to provide information and/or documents relating to the materials which have been or are generated, treated, stored, or disposed of at or transported to a facility, and the nature or extent of a release of a hazardous substance, or pollutant, or contaminant at or from a facility. EPA may also gather information about the ability of a person to pay for or perform a cleanup.

While EPA seeks Almasi Trucking's cooperation in this investigation, compliance with the Request for Information is required by law. When Almasi Trucking has prepared its response to the Request for Information, please have the appropriate party sign and have notarized the

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enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with Almasi Trucking's response. Please note that false, fictitious, or fraudulent statements or representations may subject Almasi Trucking to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by Almasi Trucking to be confidential. Please be aware that Almasi Trucking may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, Almasi Trucking must advise EPA of that fact by following the procedures described in the Instructions section which follows this letter, including the requirement for supporting its claim for confidentiality.

Please note that if after submitting its response, Almasi Trucking obtains additional or different information concerning the matters addressed by our Request for Information, Almasi Trucking must immediately turn over the additional or different information to EPA.

We encourage Almasi Trucking to give this matter its immediate attention and request that it provide a complete and truthful response to all the questions in the attached Request for Information within 30 days of your receipt of this letter.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Your response to this Information Request should be mailed to:

Tanya Mitchell
Remedial Project Manager
U.S. Environmental Protection Agency, Region 2
New Jersey Remediation Branch
290 Broadway, 19th Floor
New York, N.Y. 10007-1866

A copy of your response should be sent to:

Frank Cardiello, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866

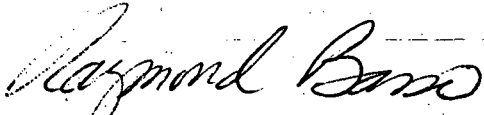
If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Ms. Mitchell at (212) 637-4362. Inquiries from attorneys

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should be addressed to Mr. Cardiello at (212) 637-3148.

We appreciate and look forward to Almasi Trucking's prompt response to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Walter Mugdan".

Walter Mugdan
Director
Emergency and Remedial Response Division

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your company's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
5. If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that your company supplement its response to EPA within 30 days from the date such information or documents became available to it.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages and all recipients of the documents with their addresses.
8. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.
9. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be specific.

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10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
11. Confidential Information. The information requested herein must be provided even though your company may contend that it includes confidential information or trade secrets. Your company may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007 (b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information your company submits to EPA, your company must prove that claim. For each document or response your company claims is confidential, your company must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by your company to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether your company asserts that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

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All confidentiality claims are subject to EPA verification. It is important that your company satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that it is not and has not been obtainable by legitimate means without your company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to your company.

B. DEFINITIONS

1. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "by-product" means any secondary or incidental product generated as a consequence of an industrial or manufacturing process, and is not the primary product or service being produced. A by-product can be useful and marketable, or it can be considered waste.
3. The term "your Company," "you" or "your" shall mean John Almasi Trucking Co. and its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns or agents.
4. The term "document" and "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
5. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances, products or other nonhazardous substances.
6. The term "identify" means, with respect to a natural person, to set forth:
 - a. the person's full name;
 - b. present or last known home address and home telephone number; and
 - c. present or last known employer and business address and business telephone number, (include job title, occupation, position or business).
7. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/with this request is addressed.

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8. The term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:

- a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. § 9601(14);
- b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
- c. it has a PH less than 2.0 or greater than 12.5;
- d. it reacts violently when mixed with water;
- e. it generates toxic gases when mixed with water;
- f. it easily ignites or explodes;
- g. it is an industrial waste product;
- h. it is "furnace matte" containing metal waste;
- i. it is "slag" containing metal waste;
- j. it is an industrial treatment plant sludge or supernatant;
- k. it is an industrial by-product;
- l. it is coolant water or blowdown waste from a coolant system;
- m. it is a spent product which could be reused after rehabilitation; or
- n. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

9. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

10. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

11. The term "record" or "records" shall mean any tangible item or electronic storage medium on which information of any type is placed. The term includes any paper document, digital record, photograph, business record, contract, E-mail and all other items on which information of any type is stored or recorded.

12. The term "slag" shall mean any solid containing lead at any concentration. The term "slag" also includes any solid created by any incineration, smelting, secondary smelting and/or lead reclamation operation(s), including, but not limited to, lead ingots, dross, lead battery casings any solid produced from a blast furnace operation, any saucer shaped or hemispheric shaped ingots or solids containing any lead, any furnace mattes, and any solids known as "buttons" produced as a result of a smelting or blast furnace operation.

13. The term "Site" means the Raritan Bay Slag Superfund Site located in Old Bridge, New Jersey and depicted on the enclosed map. The Raritan Bay Slag Superfund Site is located in the Laurence Harbor section of Old Bridge and in Sayreville, Middlesex County, New Jersey. The Site is approximately 1.3 miles in length and consists of the waterfront area between Margaret's

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Creek and the area just beyond the western jetty at the Cheesequake Creek Inlet. The Laurence Harbor seawall makes up part of the Site. The portion of the Site that is situated in Laurence Harbor is part of what is now called the Old Bridge Waterfront Park. The site is bordered to the east and west by residential properties; immediately to the south by State Highway 35 with residential properties beyond the highway; and to the north by Raritan Bay.

14. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, including lead and other scrap metals, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

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REQUEST FOR INFORMATION

1. Answer the following questions regarding your Company. In identifying a company that no longer exists, provide all the information requested. If your Company did business under more than one name, list each name.

a. State the full legal name, principal place of business and mailing address of your Company;

b. State the name and address of the president or the chairman of the board, or other presiding officers of your Company;

c. Identify the state and year of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New Jersey;

d. If your Company is a subsidiary or affiliate of another Company, or has subsidiaries, or is a successor to another Company, identify these related companies. For each related Company, describe the relationship to your Company and indicate the date and manner in which each relationship was established.

2. Is your Company now, or has it ever been, a registered/licensed Solid Waste Collector/Hauler in New Jersey?

3. If your answer to the question above is Yes, when did your Company first start collecting or hauling solid waste in New Jersey? Please provide copies of all Applications for Certification to Collect or Haul Solid Waste and Collector/Hauler Annual Registration Reports for the years 1965 to 1975.

4. Describe in detail the nature of any current or past relationship between your Company and its predecessors, successors or employees and NL Industries, and/or its predecessor(s), successor(s) and/or any affiliated entity.

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5. Describe any arrangements or agreements that **NL Industries** had with your Company regarding the removal of any materials that were generated at any and all NL Industry facilities within New Jersey between 1965 thru year ending 1975. Provide any documents related thereto, including;

- a. all contracts and agreements or other communications with any parties.
- b. hazardous waste manifests concerning all hazardous waste given to your Company/entity;
- c. bills of lading issued by or to your Company/entity; and
- d. bills or invoices issued to by or to your Company.

6. Describe all instances where your Company removed, purchased or accepted substances or materials which could be considered waste, by-products, recyclable, off-specification or "off-spec" from an NL Industries facility. "Off-spec" is intended to mean a substance that in its current form is not useful for its intended purpose. Off-spec materials are often experimental products and/or substances which did not live up to expectations; or product and/or substances which did not meet the level of quality required for its intended purpose, i.e. a contaminated batch of solvents. Your response is to include the following:

- a. a description of the substances or materials removed by your Company;
- b. the types and quantity of the substances or materials removed by your Company;
- c. the name of the person or company who transported the substances or materials removed by your Company;
- d. the date(s) such substances or materials were removed by your Company;
- e. how your Company disposed of the materials obtained from NL Industries .

7. Did your Company (including past and present employees) transport to or arrange for the transportation of any material disposed of at the Site, arrange for disposal of any material at the Site, or generate any material that was disposed of at the Site? The Site shall be as described in

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item number 13 of the enclosed instruction sheet.

8. If the answer to question number 7 above, is "YES", identify:

- a. the generator or customer who was the source of each such shipment of material (provide the generator's name, address and telephone number);
- b. the year(s) during which such shipments occurred; and
- c. the nature (including, e.g., chemical composition, toxicity) and amount of such materials
- d. the state (i.e., liquid, solid, or gaseous) of the substances sent to the Site, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
- e. a description of what the Site Operator would do with the substances once received;
- f. Describe your Company's procedures for paying for the disposal/placement of materials at the Site, including but not limited to:
 - i. method of payment (e.g. cash, check, money order);
 - ii. the frequency of which those payments were made;
 - iii. to whom those payments were made;
 - iv. the total amount of those payments and the rates paid;
 - v. where those payments were made (e.g. at the Site, sent in mail, etc.); and
 - vi. providing the identity of the your Company's employee/agent in charge of accounting for and making such payments.

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- g. Provide copies of any documents or records pertinent to or relied upon in answering any part of question number 8 above.

9. Identify by name, address, title and telephone number every past and present employee whom you have reason to believe:

- a. has knowledge of hauling and/or disposal of any material to/at the Site; and,
- b. has ever arranged for hauling and/or disposal of any material to/at the Site.

10. Do you have any reason to believe that any of the following may have been transported from any customer who was serviced by your Company, including any predecessor(s), subsidiary or division of your Company, and later disposed of at the Site. (Please provide a separate Yes or No answer to each of a through f, below):

- a. any hazardous substance;
- b. any slag (see definition number 12);
- c. any solid waste of any type, including battery plates and battery casings;
- d. any industrial waste;
- e. lead in any form (alone or in combination with any other metal(s); and
- f. any combination of the above.

11. Do you have any reason to believe that any industrial waste or by-product, including slag, may have been transported from any customer serviced by your Company and later disposed of at any of the following locations:

- a. at the Site;
- b. anywhere in or along the shoreline of Raritan Bay?

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12. For each Yes answer to any of items in Question 10 above, please provide the specific basis for your answer, including;

a. the industrial waste or by-product that you believe may have been transported by your Company to the locations described in Question 10. Include the common name or descriptive term of such waste or by-product (e.g., "spent battery cases," "furnace mattes," "lead bottoms," "slag," "off-specification product");

b. chemical characterization or composition, quantities (by volume and/or weight), number of drums or containers, tons of slag, etc;

c. Identify the facility from which the material was removed;

d. the hazardous substances in such materials;

e. the Company personnel and/or drivers involved and/or having any knowledge of any such disposal;

f. the dates of such disposals; and

g. all records relating to such disposals, including, but not limited to;

a. bills of lading

b. manifests

c. purchase orders

d. receipts or tickets issued by the Site;

e. receipts issued by or to your company's/entity's drivers or agents;

f. bills or invoices issued by or to your company

g. checks or other negotiable instruments issued by or to your company

h. contracts executed between your company/entity and customer/generator(s)

i. all correspondence;

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13. Provide copies of all tests, analyses, and analytical results concerning every type of industrial waste your Company ever transported to the Site.

- a. If you do not have documents responsive to the previous question but believe others do, identify who might have such documents and the basis for such a belief.

14. Do you have any reason to believe that any of the following may have entered the Site at any time (Please provide a separate Yes or No answer to each of a through d, below):

- a. a motor vehicle owned by your Company?
- b. a motor vehicle which contained any industrial or municipal waste which was collected by your Company?
- c. any employee or manager of your Company?
- d. any motor vehicle that was owned and/or operated by your Company which contained any "slag" (as defined herein) which was generated by a facility that was serviced by your Company.

15. Do you have any reason to believe that your Company ever arranged with any entity for the disposal of or for treatment and/or for transportation of any slag, spent battery cases, battery plates from lead/acid batteries, that may have later been disposed of at the Site? If Yes, please :

- a. Provide the name of each entity with whom your Company had such arrangements and dates during which the arrangements were in effect;
- b. Describe how each arrangement provided for the treatment, storage, or disposal of hazardous substances, hazardous wastes or industrial wastes;
- c. Identify the hazardous substances, hazardous wastes or industrial wastes that were

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sent to the Site;

- d. Provide copies of all documents relating in any way to each arrangement for transportation, sale, treatment, storage, or disposal of hazardous substances, hazardous wastes or industrial wastes at the Site.

16. Identify all other individuals and entities that your Company has reason to believe may have transported industrial waste to or disposed of any industrial waste at the Site.

17. Of those individuals and entities identified in the response to the preceding question, specify which individuals or entities your Company observed at the Site, and indicate when those observations were made.

18. Provide all information known by your Company regarding the customers of the entities or individuals identified in the preceding two questions.

19. If your Company did not bring all materials directly from customers to the Site provide:

- a. all the locations through which such materials were transshipped or were stored or held, prior to their final treatment or disposal.
- b. a description of the nature of operations at such other locations;
- c. the identity of the individuals and entities who operated such other locations;
- d. a description of the kinds of materials taken to those locations;
- e. a description of the quantities of materials taken to those locations;
- f. a description of the process(es) the materials underwent at each such location (e.g. storage, consolidation, treatment, etc.); and
- g. a description of how long wastes remained at each such location before being taken to the Site.

20. State whether your Company or its predecessors or successors ever had a business relationship with **Liberty Trucking Company or Liberty Excavating Company**. If the answer to the preceding sentence is Yes, describe in detail the nature of any current or past business

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relationship between **Liberty Trucking Company, Liberty Excavating Company** and/or their predecessor(s), successors and/or any affiliated entity(ies) and your Company and its predecessors and successors, and provide all records and documents related thereto. The term "all records," for the purposes of this question, includes all business records, all letters and all correspondence between the Company and these two Liberty Trucking entities.

- a. Provide copies of all documents created or kept by your Company related to the nature, quantity or source of materials taken to the Site.
- b. Identify all your Company's employees who may have taken or accompanied materials to the Site.
- c. Describe each such employee's responsibilities including but not limited to:
 - a. dates of employment;
 - b. nature of the position to which each employee was assigned;
 - c. the customers each employee served;
 - d. the locations to which each employee took or accompanied materials; and
 - e. the routes which each employee followed.

21. Identify each individual who assisted or was consulted in the preparation of the response to this Request for Information and specify the question with which each such person assisted in responding.

22. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

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23. State the names, telephone numbers and present or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents regarding any transportation of materials to the Site, the disposal of materials at the Site, or the identities of the companies whose material was disposed of at the Site. For each individual identified, summarize the types of knowledge, information or documents you believe he or she may have.

24. Please provide copies of all records in your possession or control which relate in any manner to each and every Yes answer provided in response to any of the questions noted in Items 1. through 23, above.

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CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New Jersey

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 2011

Notary Public